

In re Patent Application of:

CHARBENEAU

Serial No. 10/677,935

Filed: **OCTOBER 2, 2003**

REMARKS

As an initial matter, the Applicant thanks the Examiner for the thorough examination of the present application. During a telephone conference with the Applicant's attorney on Monday, October 4, 2004, the Examiner noted that a Power of Attorney for the Applicant's attorney had not been filed. Accordingly, enclosed herewith is a copy of the Power of Attorney filed by Applicant on April 14, 2004.

The Applicant further wishes to clarify that this application claims the benefit of U.S. Provisional Patent Application Serial No. 10/677,935 filed on October 4, 2002.

The Applicant has cancelled Claims 1-3 and has added new Claims 4-23. As discussed in greater detail below, the Applicant submits that new Claims 4-23 define over the prior art, and are fully supported by the specification.

The Applicant also files herewith a request for a three (3) month extension of time, along with the requisite fee of \$490.00.

I. The Invention

The invention, as recited, for example, in new independent Claim 4, is directed to a retaining device for use in a vehicle. The retaining device comprises a body having an upper portion, a lower portion, and a medial portion. The body has a polygonal shape and a plurality of spaced apart apertures formed in the medial portion thereof. The body also has a first

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plurality of passages formed in the upper portion and a second plurality of passages formed in the lower portion.

The retaining device further comprises a first pair of mounting members that matingly engage the first plurality of passageways, and a second pair of mounting members to matingly engage the second plurality of passageways. The first and second pairs of mounting members are for detachably mounting the body within the vehicle so that at least one object may be retained on the body.

Independent Claim 13 recites a retaining device for use in a vehicle comprising a body having an arcuate shape, a plurality of spaced apart apertures formed therein, and a plurality of mounting straps connected to the body for detachably mounting the body to a vehicle seat within the vehicle.

Independent Claim 18 recites a method for retaining an object in a vehicle. The method comprises detachably mounting a body within a vehicle, the body having a plurality of spaced apart apertures formed therein. The method also comprises engaging a portion of an object to an upwardly extending mounting member defined by one of the spaced apart apertures.

II. The Claims Are Patentable Over The Prior Art

In the Office Action, the Examiner cited U.S. Patent No. 5,863,092 to Kifer. The Kifer '092 patent discloses a bucket seat for an automobile comprising an apparatus for

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hanging articles. The apparatus comprises a hanger base that is mounted to structural columns of the automobile seat. More specifically, and as illustrated in FIG. 5 of the Kifer '092 patent, the hanger apparatus includes a cross member 22 that is covered by carpet 26. The hanging apparatus also comprises a hanger base 14 that is permanently mounted to the structural support columns of the bucket seat by spot welding. The Kifer '092 patent fails to disclose first and second pairs of mounting members for detachably mounting the body within the automobile, as recited in new independent Claim 4, for example. The Kifer '092 patent further fails to disclose a plurality of mounting straps connected to the body for detachably mounting the body to an automobile seat within the automobile, as recited in new independent Claim 13, for example. The Kifer '092 patent also fails to disclose a method for detachably mounting the body of the retaining device within an automobile using a pair of mounting straps connected thereto, as recited in new independent Claim 18, for example.

The Examiner also cited U.S. Published Patent Application No. 2004/0020507 by Johnson to note that it is known to provide a portable device comprising a thin flat plate having a plurality of longitudinal apertures. The Johnson application, however, is directed to a hair weaving and braiding apparatus. Accordingly, the Johnson published patent application is outside the field of a retaining device for use in a vehicle.

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CONCLUSION

In view of the new claims, and the remarks provided above, it is submitted that new Claims 4-23 are patentable. Accordingly, a Notice of Allowance is requested in due course. The Examiner is encouraged to contact the undersigned attorney at the telephone number listed below to further discuss this case, or to advance prosecution of the case.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via U.S. Mail to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 7th day of October, 2004.


